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PERMIT ID#_	36748

	FOR AGENCY USE ONLY
Town: _	RUTLAND TOWN
Route:	VS7
Mile Marker:	0.11 ~ 0.16
Log Station:	3+80-8+44 471

# VERMONT AGENCY OF TRANSPORTATION 19 V.S.A. § 1111 PERMIT APPLICATION

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	Owner's/Applicant's Name, Address & Phone No. Phillip Alderman 33 Seward Road, Puthard, VT 0570, 802) 776-6000		
Co-Applicant's Name, Address & Phone No. (if different from above)  The location of work (town, highway route, distance to nearest mile marker or intersection & which side)  Town of Rutland, Middle Road, 330' west of userview of userview of and middle Road  Description of work to be performed in the highway right-of-way (attach sketch)  Work to be performed within the Right of way consists of the Construction of a Cudoffswate and miner grading. Also, underground electric lines will be run from an existing littliffy pole to the performed Book. It are not to the proposed Building. Lastly a new waterline connection requiring a fact and bore uncled.  With apposed Building. Lastly a new waterline connection requiring a fact and bore uncled. With proposed Building. Lastly a new waterline connection requiring a fact and bore uncled.  With proposed Building. Lastly a new waterline connection requiring a fact and bore uncled.  With proposed Building. Lastly a new waterline connection requiring a fact and bore uncled.  With proposed Building. Lastly a new waterline connection requiring a fact and bore uncled.  With proposed Building. Lastly a new waterline connection requiring a fact and bore uncled.  With proposed Building. Lastly a new waterline connection requiring a fact and bore uncled.  With proposed Building. Lastly a new waterline connection requiring a fact and bore uncled.  Property Deed Reference Book: 168 Page: 6.5 (only required for Permit Application for access)  Is a Zoning Permit required? Yes No - If Yes, # No # Assigned  Is a 30 VSA § 248 permit required? Yes No - If Yes, # No # Assigned  Other permit(s) required? Yes No - If Yes, name and # of each 1015 9020 water With water, without water with a supplicant expects work to begin - Sulphane and # of each 1015 9020 water With water, without water w			
a	Sign in Shaded area: Sign in Shaded area: Date: 10/6/2011		
	Sign in Snaded area: Thirip Eleilina Date: 10/6/2011		
,	Co-Applicant: Position Title:		
,			
	Sign in Snaded area:   Date:		
	-Contact the Agency of Transportation Utilities and Permits Unit (802.828.2653) or your local area Agency Transportation Maintenance District to determine your issuing authority.  -Contact the issuing authority to determine what plans and other documents are required to be submitted with your 19 VSA § 1111 permit application.  -Complete this TA 210 Form (some information may not apply to you) and attach all necessary documents and submit it to the issuing authority. We require this application to be signed by the property owner or their legally authorized representative. Original signatures are required.  -The Owner/Applicant and Co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.  -If you have any questions contact the issuing authority.		
	PERMIT APPROVAL		
cor	is covers only the work described below: Permission is granted to work within the state highway right-of-way to stall a 8" water line within a 20" sleeve via the jack or bore method, install an underground electric service nnection and perform minor grading. All work shall be in accordance with the attached plan and permit special nditions.		
	the work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).  The work is to be completed a subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).  But work accepted:  By:		
Ву	Authorized Representative for Secretary of Transportation  By:  October 17, 2012  DTA or Designee		

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Title 19 Section 1111 VSA. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations.

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:

District #3, 61 Valley View Suite #2, Mendon, VT 05701 (802) 786-5826

#### **RESTRICTIONS AND CONDITIONS**

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#### DEFINITIONS:

"Agency" means the Vermont Agency of Transportation.

"Engineer" means the authorized agent of the Secretary of Transportation.

"Owner/Applicant" means the party(s) to whom the permit is to be issued.

"Co-Applicant" means the party who performs the work, if other than Owner/Applicant

"Permit Holder" means the party who currently owns the lands abutting the highway that are the subject of the permit.

#### **GENERAL:**

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all of the conditions and restrictions and any imposed special conditions. If the Owner/Applicant is aggreed by the restrictions and conditions or special conditions of the permit, they shall submit a written request for consideration to the Engineer prior to starting any work. No work will be authorized by the Agency, or performed under the permit, until the dispute is fully resolved.

Act No. 86 of 1987 (30 VSA Chapter 86) ("Dig Safe") requires that notice be given prior to making an excavation. It is suggested that the Permit Holder or his/her contractor telephone 1-888-344-7233 at least 48 hours before, and not more than 30 days before, beginning any excavation at any location.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the District Transportation Administrator, all work in the State highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant.

The Owner/Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The Owner/Applicant must, in every case where there is a possibility of injury to persons or property from blasting, use blasting mats and bags of sand, if necessary, to prevent the stone from scattering. All existing utility facilities shall be protected from damage or injury.

The Owner/Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night.

The Owner/Applicant shall not do any work or place any obstacles within the state highway right-of-way, except as authorized by this permit.

The Owner/Applicant may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Engineer to supervise such work.

The Engineer may modify or revoke the permit at any time for safety-related reasons, without rendering the Agency or the State of Vermont liable in any way.

In addition to any other enforcement powers that may be provided for by the law, the Engineer may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Engineer may physically close the work area and take corrective action to protect the safety of the highway users.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the District.

Any variance from approved plans is to be recorded on "as-builts" with copies provided to both the Chief of Utilities and Permits and the District Transportation Administrator.

#### ACCESS:

This permit (if for access) does not become effective until the owner/applicant records in the office of the appropriate municipal clerk, the attached "Notice of Permit Action"

As development occurs on land abutting the highways, the Agency may revoke a permit for access and require the construction of other access improvements such as the combination of access points by adjoining owners.

Under Title 19, Section 1111, Vermont Statutes Annotated, no deed purporting to subdivide land abutting a state highway can be recorded unless all the abutting lots so created are in accordance with the standards of Section 1111.

The Permit Holder acknowledges and agrees that neither this permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

## DRAINAGE:

The Owner/Applicant shall install catch basins and outlets as may be necessary, in the opinion of the Engineer, to preclude interference with the drainage of the state highway.

#### UTILITY WORK; CUTTING AND TRIMMING TREES:

The Owner/Applicant shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the State Transportation Board in accordance with Title 30, Section 2506, Vermont Statutes Annotated, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 feet to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Engineer.

Poles and appurtenances shall be located out of conflict with ditches and culverts.

Where the cutting or trimming of trees is authorized by permit, all debris resulting from such cutting and trimming shall be removed from the highway right-of-way.

Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Engineer before making an open cut.

#### JOINT PERMITS:

A joint permit application is required when more than one party will be involved with the construction, maintenance, and/or operation of the facility being constructed under this permit. Examples include, but are not limited to, joint ownership or occupancy of a utility pole line and construction of a municipal utility line by a contractor. Both utility companies, and in the second case, the municipality and the contractor, must be joint applicants.

Phillip Alderman
Rutland Town, US7, L.S. 5+80 ~8+44 LT
October 17, 2012
Page 1 of 5

### SPECIAL CONDITIONS

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Agency of Transportation under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

All work shall be accomplished in accordance with <u>detail A</u> and the profile and notes of standard drawing D-20 (copy attached) and the attached plan sheets C1.03, C1.04, and C2.01, dated September 15, 2011 and last revised October 10, 2011.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advane of such meeting.

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

All grading within the highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or their staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the turf shall be restored by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch all to the satisfaction of the District Transportation Administrator. The Permit Holder shall be responsible for ensuring that all turf restoration work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

The State of Vermont may have buried electrical conduits in the project area for streets and/or traffic signals which will not be located by Dig Safe. Contact the Agency's District Office at (802) 786-5826 to identify the location of these facilities. Any damage to these facilities will be repaired and/or replaced at the Permit Holder's expense.

The Permit Holder shall use methods that will minimize tracking of material onto the state highway. If tracking does occur, it will be immediately cleaned up so that traveling conditions and safety of the highway users is not compromised.

Phillip Alderman Rutland Town, US7, L.S. 5+80 ~8+44 LT October 17, 2012 Page 2 of 5

Any guardrail impacted by the project must be restored to its original condition by the Permit Holder. Repairs must be inspected and approved by the Vermont Agency of Transportation's District Transportation Administrator.

Trench material will not be stockpiled on the highway shoulders.

The Permit Holder shall replace any disturbed state property bounds. These bounds must be reset by a land surveyor licensed in the State of Vermont.

The Permit Holder must exercise extreme care when working adjacent to existing storm drainage pipes and drop inlets owned by the State. Any damage caused by the Permit Holder to the storm drainage system must be repaired using new materials. Repairs must be inspected by the Vermont Agency of Transportation's District Transportation Administrator.

The Vermont Agency of Transportation shall not be responsible for maintaining the required cover over the permitted underground utility. The Permit Holder shall be aware and anticipate that the Vermont Agency of Transportation cleans ditches as part of a regular maintenance program and shall locate the utility accordingly.

All existing signs, posts, and other traffic control devices shall be maintained with the US Route 7 state right-of-way. If any sign assemblies need to be relocated temporarily they shall be moved as short a distance as possible. Sign assemblies are to be relocated back to their original positions as soon as possible. Any damage by the Contractor to existing signs, posts, and/or bases shall be repaired or replaced at the expense of the Contractor and to the satisfaction of the District Transportation Administrator.

Any excavation within 5 feet from the edge of the paved shoulder and more than 5 feet deep must be sheeted to prevent undermining of the highway pavement. Any variance of this shall require the written approval of the Vermont Agency of Transportation's District Administrator. (This is a contingency condition should the contractor need to deviate from project design.)

Upon completion of the work, the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such inspection.

Should any portion of the utility facility installed within the highway right-of-way require relocation due to future highway improvements, all expenses will be borne by the Owner, its successors or assigns, and all necessary adjustments shall be completed in a timely manner.

The Permit Holder shall be responsible for all damages to persons and/or property due to or resulting from any work allowed under this permit. The Permit Holder shall defend, indemnify and save harmless the State, the Agency, and all of their officers, agents, and employees from all suits, actions, or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons or property, including all costs or expenses to defend against such suits, actions or claims.

The highway crossing shall be installed by jacking or boring in accordance with the attached standard D-20.

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Open trenches or pits shall be filled at the end of each day. With permission from the District Transportation Administrator, trenches and pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend. The Permit Holder shall be responsible for ensuring that all trench or pit work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

Where a trench is excavated within the roadbed, all backfill material within 24 inches of the bottom of pavement shall be new material from a source approved by the District Transportation Administrator. All backfill material shall be placed in six inch layers and compacted to not less than 95% of the material's maximum dry density as determined by AASHTO Standard Method of Test, T-99, Method C, using air or mechanical tampers. (*This is a contingency condition in the event the "open cut method" is approved during construction.*)

Temporary pavement will be required prior to weekend shutdown after completion of backfilling where an open cut excavation has been made through a roadway subject to vehicular traffic or where construction for any roadway widening for turn lanes has been brought to grade. The temporary pavement shall consist of, at least, 2 inches of compacted bituminous concrete. Temporary pavement shall be properly maintained and shall be replaced with permanent pavement prior to completion of the project or suspension of work for the winter season. (This is a contingency condition in the event the "open cut method" is approved during construction.)

It is a condition of this permit that Owner/Applicant is required to and agrees to promptly and unconditionally pay for full repair and restoration of any and all damages to existing underground utility facilities (meaning any underground pipe, conduit, wire or cable, including appurtenances) that have been brought about by the execution of the permitted work. Owner/Applicant is also required to pay for any costs to repair the highway following and resulting from any repairs to existing utilities occurring as a result of the work covered by this permit. Except with the specific, written permission of the Engineer, the Permit Holder or his/her contractor shall expose all underground facilities to verify their location and depth, at each location where the authorized boring or drilling work crosses a facility; and at reasonable intervals when closely paralleling a facility. Whenever possible, existing facilities should be crossed at a perpendicular angle. The Owner/Applicant shall be responsible for obtaining the modification of the highway permit, if necessary, for any additional survey work before initiating boring or drilling operations under the permit. Failure to fully, promptly, and conscientiously comply with all of the conditions of this paragraph, including but not limited to the obligation to pay for repairs, will be treated as grounds for a refusal by the Agency to grant any further requests by Owner/Applicant for any other permits for subsurface work unless Owner/Applicant furnishes irrevocable financial security, in a type and an amount deemed sufficient by the Agency in its sole discretion, prior to such future subsurface work.

The Owner/Applicant shall erect and maintain all necessary site erosion prevention and sediment control measures to maintain compliance with Vermont Water Quality Standards within the highway right-of-way. All exposed earth areas having erosion potential must be temporarily or permanently stabilized within seven (7) days of disturbance or as necessary to prevent sediment from entering the VTrans highway stormwater management system. Slopes steeper than 1:3 shall make use of appropriate erosion matting.

Phillip Alderman Rutland Town, US7, L.S. 5+80 ~8+44 LT October 17, 2012 Page 4 of 5

In the event traffic from this project increases to the point where traffic signals, additional lanes for turning or any other modifications are necessary, the expense of such improvements or facilities shall be borne by the Permit Holder, his/her successors, and assigns. The Permit Holder may be required by the Agency to update or provide a traffic study to determine if additional modifications are necessary.

It is incumbent upon the Permit Holder to verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as need-ed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency of Transportation Standards and any additional traffic control deemed necessary by the District Transportation Administrator. Failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

Construction will be performed in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, a sign package that conforms to the MUTCD or VAOT Standards, and trained Flaggers shall be provided. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

When traffic control becomes so complex that the traffic control cannot be accomplished using Agency standards, the Permit Holder must submit a traffic control plan to the Agency's Utilities Unit for Agency approval prior to beginning work.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way -shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

**Independence; Liability:** The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

Phillip Alderman Rutland Town, US7, L.S. 5+80 ~8+44 LT October 17, 2012 Page 5 of 5

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

**Insurance:** Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

<u>Workers Compensation:</u> With respect to all operations performed under the Permit, the Permit Holder shall carry workers compensation insurance in accordance with the laws of the State of Vermont.

<u>General Liability and Property Damage:</u> With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises -Operations
Products and Completed Operations
Personal Injury Liability
Permitual Liability

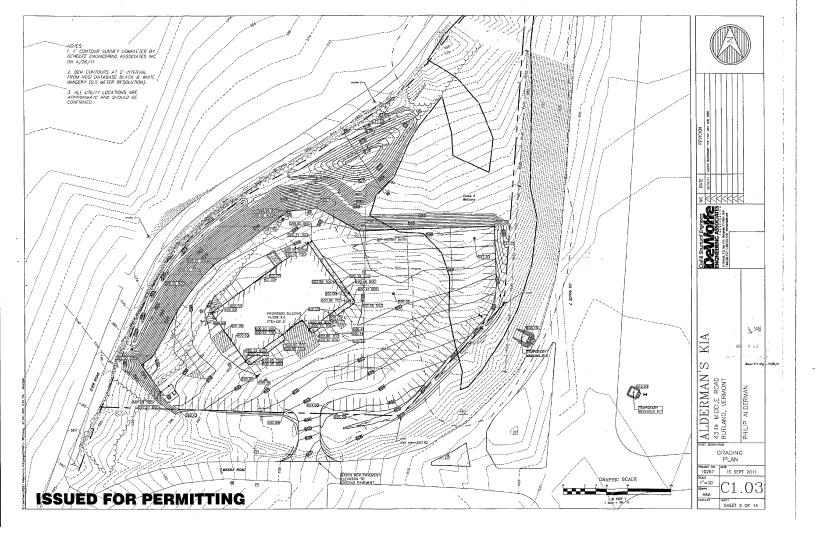
The policy shall be on an occurrence form and limits shall not be less than:

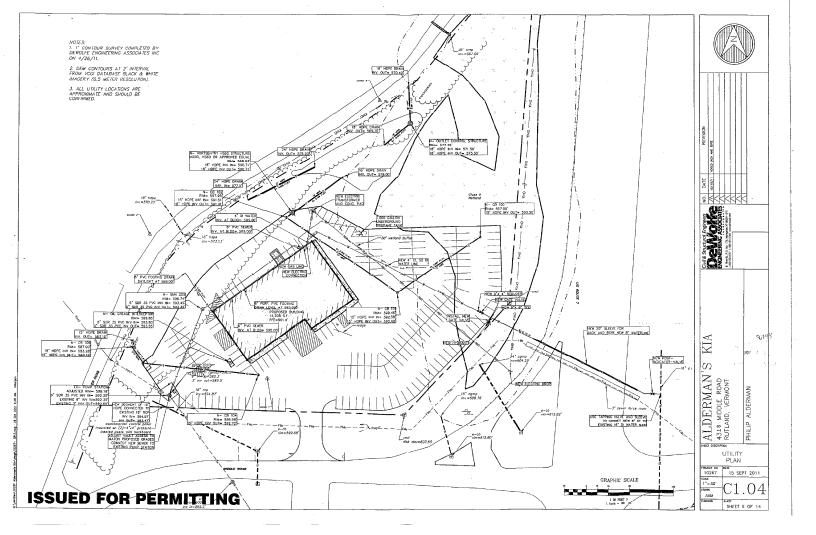
\$2,000,000 Per Occurrence \$2,000,000 General Aggregate \$2,000,000 Products/Completed Operations Aggregate \$ 50,000 Fire/Legal Liability

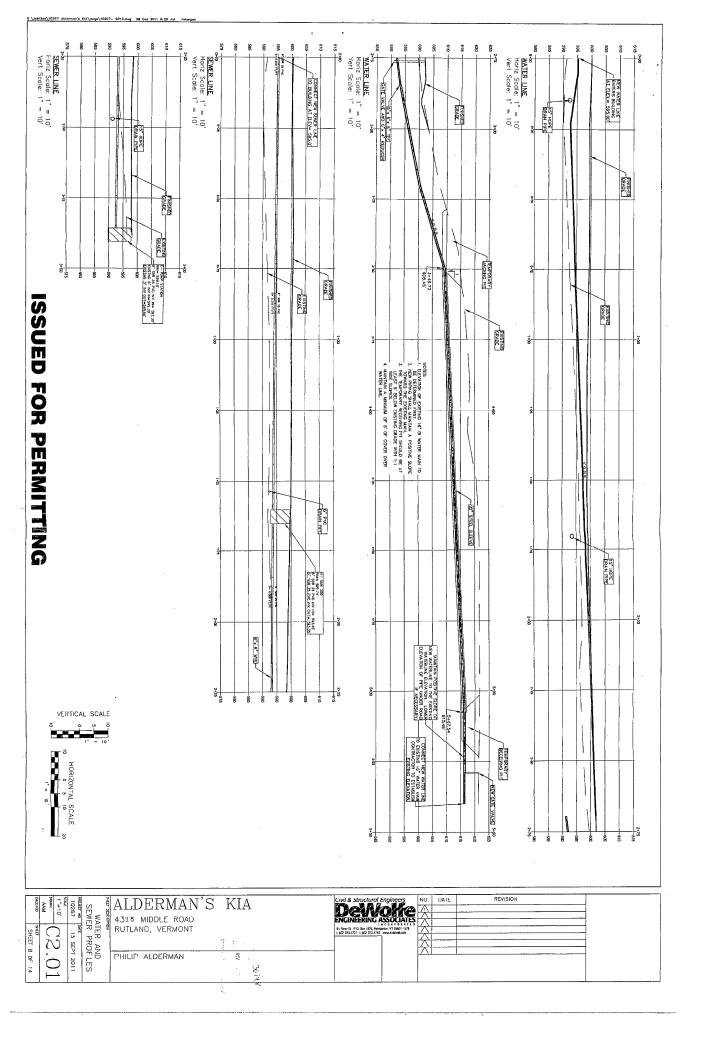
Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

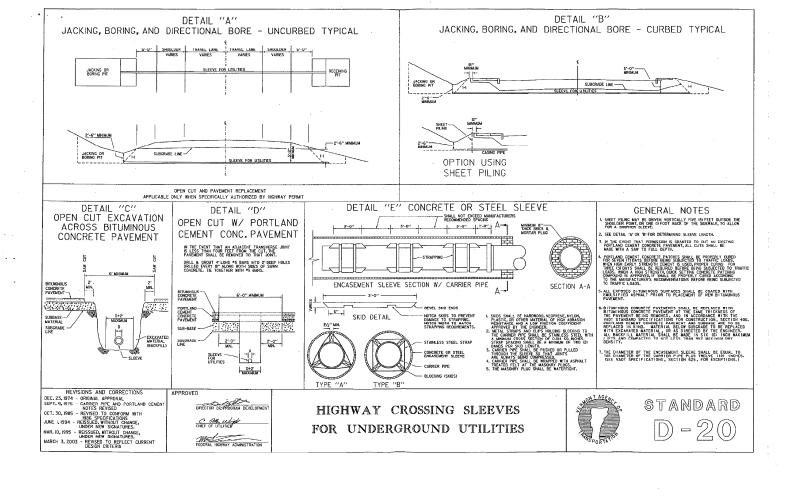
<u>Automotive Liability:</u> The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

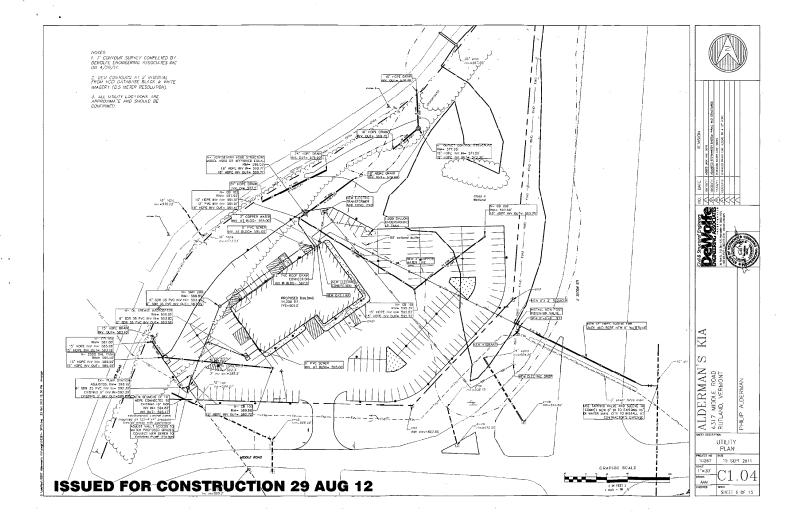
Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

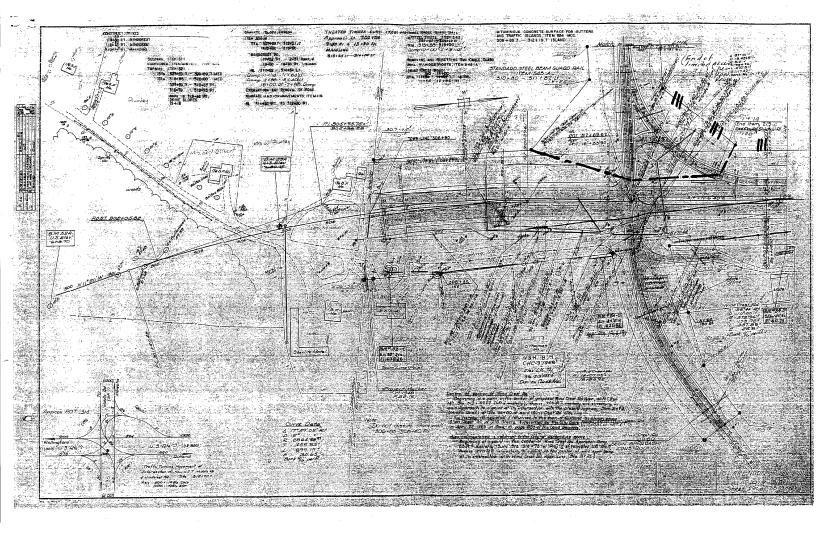


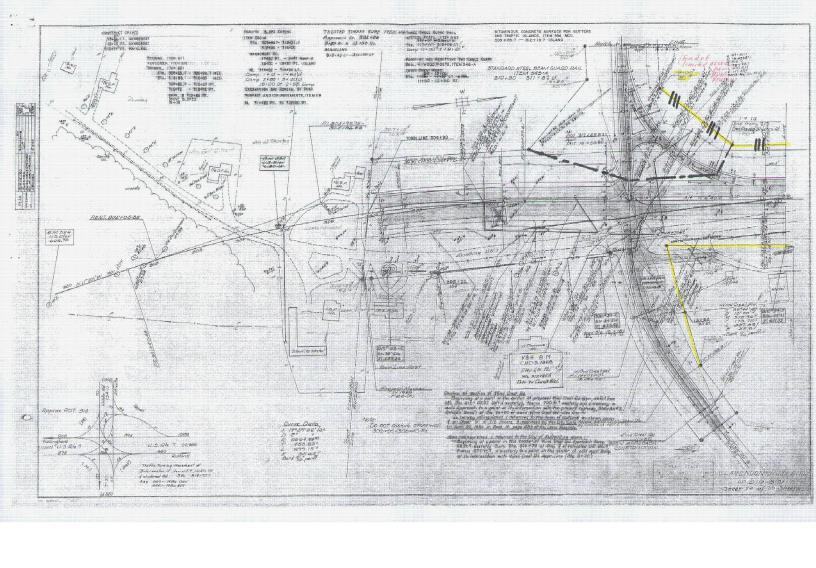
















State of Vermont Utilities & Permits Unit One National Life Drive Montpelier, VT 05633-5001 www.aot.state.vt.us Agency of Transportation

[fax] 802-828-2653 [fax] 802-828-5742 [ttd] 800-253-0191

October 17, 2012

Phillip Alderman 33 Seward Road Rutland, VT 05701

Subject: Rutland Town, US7, L.S. 5+80 ~ 8+44 LT

Dear Mr. Alderman:

Your application for a permit to work within the State highway right-of-way to install an 8" water line within a 20" sleeve via the jack or bore method, install an underground electric service connection and perform some minor grading, at the location indicated above, has been processed by this office and is enclosed.

Please contact the District Transportation Office #3 prior to starting work in the state highway right-of-way. The telephone number in Mendon is (802) 786-5826.

Sincerely,

Theresa Gilman

Utilities & Permits Supervisor

**Utilities & Permits Unit** 

**Enclosures** 

cc: District Transportation Office #3

Alicia Morgan, Dewolfe Engineering Associates Inc.



State of Vermont Utilities & Permits Unit One National Life Drive Montpelier, VT 05633-5001 www.aot.state.vt.us Agency of Transportation

[phone] 802-828-2653 [fax] 802-828-5742 [ttd] 800-253-0191

October 24, 2012

Philip Alderman 33 Seward Road Rutland, VT 05701

Subject: Rutland Town, US7, L.S. 5+80 ~ 8+44 LT
Permit Revision Letter #1 – VTrans Permit #36748

Dear Mr. Alderman:

The request to modify your permit for the utility sleeve carrying an 8" water main under US Route 7, from a 20" steel sleeve to a 12" HDPE sleeve, has been reviewed and approved as shown on the attached plan sheet, C1.04, last revised October 23, 2012.

This permit revision letter and plan becomes a part of the originally issued permit issued on October 17, 2012, and should be attached to your copy.

The work must be completed under the same conditions as set forth in the original permit #36748.

Please feel free to contact Theresa Gilman at (802) 828-2473 if you have questions or comments

Sincerely,

Craig S. Keller, P.E.

Chief of Utilities & Permits Unit

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Attachment

cc: District Transportation Office #3

Alicia Morgan, Dewolfe Engineering Associates Inc